

OMBUDSPERSONS AND COMMISSIONERS FOR CHILDREN'S CHALLENGES AND RESPONSES TO COVID-19

As clearly stipulated in the ENOC Statement on Children's rights in the context of the COVID-19 outbreak¹, the COVID-19 pandemic is an unprecedented situation that is and will continue to deeply affect children's lives worldwide. In this statement, ENOC and its members pledged to closely monitor the situation of all children, as well as the responses from local, national and European authorities during and after the end of isolation measures, and to continue to share critical information, good practices and experiences to keep children and their families safe and guarantee respect of children's rights under the UN Convention on the Rights of the Child and other relevant European and International Human Rights instruments. In this context, ENOC and UNICEF (ECARO and Bulgaria CO) conducted in May 2020 a short online survey on Ombudspersons and Commissioners for Children's responses to the new challenges generated by the COVID-19 pandemic. Twenty three ENOC members responded to the survey (Armenia, Basque country/Spain, Bulgaria, Catalonia/Spain, Croatia, Cyprus, Denmark, Estonia, Finland, France, Hungary, Jersey, Luxembourg, Malta, Moldova, Montenegro, Northern Ireland/UK, Republika Srpska/ Bosnia & Herzegovina, Scotland/UK, Serbia, Slovakia, Slovenia and Wales). Following this survey, nearly 60 representatives of Ombudspersons for Children's offices and UNICEF staff participated in an online session on June 2nd 2020, to discuss the impact of COVID-19 on Ombudspersons' work and on children's rights in their respective countries, and to share innovative practices. The main issues raised in the survey and during the joint online session are summarised in this document.

Changes and limitations to execution of the role of Ombudsperson and Commissioner for Children

- **Closed offices and work from home**

The lockdown measures have affected Ombudspersons and Commissioners for Children's offices in all countries across Europe. As a result of the restrictions due to the pandemic, offices were closed in almost all countries² and face-to-face

¹ The ENOC Statement on Children's Rights in the context of the COVID-19 outbreak is available [here](#).

² ENOC-UNICEF Survey – May 2020: all the respondent countries, except Moldova and Armenia, reported having their offices closed after announcement of general lockdown.

communication was restricted. A lot of activities had to be readjusted: fieldwork, projects and planned studies/reports have been limited or postponed. Casework has been suspended in some cases.

The work of Ombudspersons and Commissioners for Children's offices moved online. There has been a gradual adjustment to regular virtual meetings with team members and stakeholders/authorities. Remote access, including complaints and case management, has been ensured through digital means like phone, email, and/or online platforms/forms. New phone-lines were opened in several countries. In Serbia for example, 5 new phone-lines were put in place, including one dedicated to psychological help. In some countries these phone-lines have been opened 24h/7 for complaints and signposting³. Promotional activities and information campaigns have also continued on traditional and social media⁴.

- **Addressing complaints**

Most of the countries have continued to receive and process complaints online, by post and/or via phone. The number of complaints and casework load increased in some countries. In Jersey, the Children's Commissioner has seen a 30% increase in casework. In Serbia, due to the increased number of complaints and contacts, working hours have been extended to weekends and bank holidays. Some countries reported a slowdown in addressing/responding to complaints. For example, the Ombudsperson of the Basque country reported that the processing of complaints, introduced by electronic or remote means, has been affected by the difficulties experienced to get a quick and adequate response from public authorities to the office's requirements for information.

- **Monitoring functions**

The monitoring functions of Ombudspersons and Commissioners for Children have been challenging during the crisis due to the lack of face-to-face meetings and visits. Inspection visits to different facilities for children have been limited or suspended⁵. Monitoring of institutions, care homes and schools has also been made difficult or suspended. The Danish Council for Children's Rights reported restricted access to information previously coming from educators, teachers, healthcare professionals and other professionals. For example, notifications to the social services dropped

³ ENOC-UNICEF Survey – May 2020: Finland and Republika Srpska indicated that their hotlines were opened 24h/7.

⁴ ENOC-UNICEF Survey – May 2020: Montenegro, Republika Srpska, Scotland, Serbia and Wales mentioned information and awareness-rising campaigns on social media. You can also find a [dedicated page](#) on the ENOC website with COVID-19 related resources produced by ENOC members.

⁵ ENOC-UNICEF Survey – May 2020: Bulgaria, Croatia, Denmark, Jersey, the Basque country (Spain), and Catalonia (Spain) reported that visits have been suspended and access to institutions challenged.

with about 50%, which has posed a clear challenge in terms of identification of children exposed to neglect or abuse. Some countries reported slowed down communication with state institutions because of the increased workload of the institutions⁶.

However, most countries have continued their monitoring work online. Online conferences and meetings have been organised with relevant institutions, government bodies, protection services, care and health professionals, civil society organisations, etc. The new decisions, legislations, and practices in response to the COVID-19 crisis have been closely monitored and Ombudspersons and Commissioners for Children's offices have contacted and issued recommendations to the competent authorities and government bodies to make sure those measures are children's rights and wellbeing compliant. Citizens' complaints and contacts have also been a way to monitor the situation and identify the issues that needed to be addressed.

In some countries, a limited number of staff has continued physical monitoring; even if this was most of the time restricted to communication with administrative staff. Some countries have managed to carry out visits in custodial juvenile places like prisons and detention centres, care homes for children, shelters, etc⁷.

Some countries have initiated surveys where children and young people shared their experience during the lockdown⁸. For example, the Flemish Office of the Children's Rights Commissioner carried out an online questionnaire for children and young people to learn more about their experience of the COVID-19 pandemic, and more than 44,400 children and young people participated⁹. The results of this consultation were presented on 28 May 2020 by children and young people to the Flemish Parliament¹⁰. The Children's Commissioner for Wales also launched a nation-wide survey "Coronavirus and me" with the participation of over 20,000 children and young people¹¹.

The Children and Young People's Commissioner Scotland is also planning to carry out a Child Rights Impact Assessment on all aspects of the COVID-19 legislations and policies in Scotland.

- **Disrupted contact and direct communication with children**

⁶ ENOC-UNICEF Survey – May 2020: Denmark, the Basque country and Serbia reported such difficulties.

⁷ ENOC-UNICEF Survey – May 2020: The offices of Moldova and Hungary indicated that they have carried out several inspection visits.

⁸ ENOC-UNICEF Online session – June 2020: Belgium (Flanders), Estonia, Jersey, the Netherlands, Scotland, and Wales explained how they surveyed children and young people through online questionnaires.

⁹ You can find more information regarding the survey, including the Results Report (in Flemish) [here](#).

¹⁰ You can watch the hearing in the Flemish Parliament (in Flemish) [here](#).

¹¹ The report following the consultation « Coronavirus and me » is available [here](#).

Ombudspersons and Commissioners for Children have also experienced difficulties in implementing child participation initiatives and in engaging directly with children and young people. Child participation activities involving physical meetings have been cancelled or postponed in many countries. In the Basque country for example, activities of the Ararteko Youth Council have been suspended. Some countries have managed to maintain child participation activities online. The Young Advisers in Scotland have been meeting via Zoom once a week and coordinating their work on the Basecamp Platform (which was in place prior to the COVID-19 outbreak). They have been mainly focusing on COVID-19 issues. A sub group has worked with the Police of Scotland on framing public communications (Instagram posts, podcasts, etc). In Northern Ireland, sub groups of the NICCY's Youth Panel have provided advice and input to examinations body on grading assessments and appeals processes (as they cannot take scheduled exams). They have also advised the Northern Ireland Public Health Agency in how to issue key messages to children and young people and also provided input to short videos they have disseminated.

At ENOC level, the ENYA Forum, initially planned in June 2020 was postponed to September 2020. Some of the participating countries/regions have managed to start the work with their ENYA group on the 2020 annual theme, Child Rights Impact Assessment, through online discussions and meetings. The work of the 15 participating countries will continue over the summer either only virtually or combining virtual/physical meetings.

Newly emerged issues in terms of child rights violations

Children have often been presented as having less severe symptoms when contracting COVID-19 and lower mortality rates. However, the COVID-19 has had a deep and potentially long-term impact on their lives and rights. Through the ENOC-UNICEF survey and online session, Ombudspersons and Commissioners for Children identified the risks that the current COVID-19 pandemic poses on children and their rights and the mitigating and innovative measures they have put in place. Common challenges were identified. The pandemic and the challenge of staying home have indeed put a disproportionate strain on already vulnerable children, children living in precarious conditions, homeless children, children in institutions, refugee and migrant children, children with disabilities, among others.

- **Distance learning and closing of schools**

As a result of the lockdown measures, most of the schools across Europe were closed. While most countries have introduced home-learning platforms, the capacity

to support children's education at home is unequal both within and between countries.

Many families have struggled to provide a home learning environment. Most countries reported an exacerbation of inequalities in education, digital poverty and digital exclusion. Children living in precarious conditions, and/or from ethnic minorities have faced more difficulties with distance learning both because of digital poverty and because of difficulties in parents being able to assist in the learning process. Specific challenges include a lack of IT equipment and individual space, no internet connection, home working parents, difficulties following homework, difficulties for children to stay focused, non-access to reading materials, and disparities in learning levels. For example, the Ombudsman of the Republic of Bulgaria and the Human Rights Ombudsman of the Republic of Slovenia reported that the schooling of Roma children was an important issue during the pandemic due to their lack of access to digital devices and the lack of assistance of parents in the learning process¹². The Northern Ireland Commissioner for Children and Young People and the Ombuds-Committee for the Rights of the Child in Luxembourg also talked about increased difficulties for children from ethnic communities because of language barriers¹³. It has been very difficult for some children to concentrate and follow-up on homework. In France for example, 5 to 6% of children have "disappeared" from school. Home schooling has often put additional pressure on families in the current anxiety-provoking time. Work from home for families with children resulted in isolation, exhaustion, anxiety, economic difficulties, unemployment, alcohol abuse, domestic violence¹⁴, etc.

The issue of final exams was also raised by many countries, especially how to conduct these very important exams in a safe manner¹⁵. The Northern Ireland Commissioner for Children and Young People's complaints service has for example registered a significant increase of complaints related to the impact of the closure of schools on the academic transfer test (for access to grammar schools). In Malta, children who need to have good grades to access some university will have the opportunity to sit for the Secondary Schools Exams in September 2020.

The reopening of schools was extensively addressed during the ENOC-UNICEF Online Session. While there is not enough evidence regarding the impact of schools on the transmission rates, most countries have highlighted the negative impact of school closures on children's safety, wellbeing and learning. Sweden, Finland and

¹² ENOC-UNICEF Survey – May 2020

¹³ ENOC-UNICEF Survey – May 2020

¹⁴ ENOC-UNICEF Survey – May 2020: In Finland there has been a 14% increase in cases of domestic violence.

¹⁵ ENOC-UNICEF Survey – May 2020: Hungary, Malta, Moldova, Northern Ireland and Scotland indicated that the exams are an important challenge in their work (they received a lot of complaints related to this).

Iceland shared their experience, as schools remained open under strict restrictions during the crisis. In Finland, day care centres and schools for children below 10 remained open all the time. Schools reopened for all students below 15 as of the 14th of May. The Ombudsman for Children in Finland explained that the reason for keeping schools open is that no research could justify the closure of schools: not a single child has been hospitalised due to COVID-19 in Finland and not a single chain of transmission has been identified in schools. Finland is one of the countries in Europe with the lowest rates of infection, although schools remained open. In Sweden, primary schools (7-15 years old) and preschools remained open. In the first weeks, the dropped out rates were pretty high, as teachers opted to stay home and parents decided to keep their children at home too. Very strong restrictions have been put in place (hand-washing, social distance, etc). Children have been staying most of the time in the classroom even during lunch and breaks although outdoor activities (sports for example) have also been organised, to avoid keeping children too much in congested places. In Iceland, schools have also been open throughout the pandemic, but reduced hours have been put in place for approximately seven weeks. This has also been the strategy adopted by other countries for the reopening of schools¹⁶.

The management of the reopening of schools have posed a lot of challenges. The sanitary protocols are often too strict and difficult for children and school professionals to follow. Not all canteens have reopened, which is an issue for parents who are working or those who rely on free school meals due to their economic situation. In France for example, authorities announced the reopening of all schools as of early June 2020, giving priority to “priority education zones”, to children with disabilities and children in care. However, in reality some schools have not reopened because of very restrictive sanitary rules or material difficulties experienced by teachers and staff. The Children’s Defender in France received complaints from health workers or caregivers whose children were separated from the others because they were considered at higher risks of infection and transmission.

- **Child poverty**

In many families, the lockdown has created new economic difficulties: in families where one or two parents lose their employment due to the crisis, in single-parent families, or in families where the combination of work and care/home-schooling of children has been impossible. The COVID-19 crisis has exacerbated extreme poverty and precarious living conditions. Children living in small flats, ghettos or on

¹⁶ ENOC-UNICEF Online session – June 2020: France and Scotland indicated that schools will reopened part-time first.

the street have been at higher risk during the lockdown. In most countries, the lack of access to free school meals has increased food insecurity and has left more children at risk. Economic hardships have had negative impacts on children for many families where incomes have been affected due to the lockdown.

- **Violence and abuse**

The risk of domestic and family violence has increased during the period of confinement¹⁷, especially due to self-isolation and the lack of social contact outside the family. In Finland, an increased number of children have been urgently placed in welfare institutions, and there has been an increase in demands for places in child welfare institutions. Abusive environment has placed children at higher risk of neglect, abuse and violence while isolated at home. Children have also been more at risk online, and cyberbullying has increased due to more time spent online¹⁸.

- **Criminal Justice**

There was concern regarding the criminalisation in some countries for breaches of COVID-19 restrictions. In Jersey, this has been a youth justice issue as COVID-19 legislation around social distancing applies also to children. Thus young people under 18 have been arrested and/or fined for breaching COVID-19 restrictions. In Scotland, the Children and Young People's Commissioner has secured a legislation change to ensure that children are not criminalised for breaching COVID-19 social distancing.

- **Health issues and access to healthcare**

One of the main challenges of Ombudspersons and Commissioners for Children has been to protect children's physical and mental health. Indeed, the COVID-19 pandemic and the lockdown have had negative effects on children's mental health. In most countries, mental health issues have been on the rise among children and young people due to anxiety, isolation and being closed at home, sometimes in an unsafe environment. Limited or no time for outside play and interaction with other children has increased the emotional and psychological strain on children.

This challenge has been all the more important as access to mental and physical health services have been limited due to the risk of infection and reluctance of

¹⁷ ENOC-UNICEF Survey – May 2020: Catalonia, Denmark, Estonia, Finland, Hungary, Malta, Republika Srpska, Slovakia, Slovenia, Serbia identified domestic violence as a main challenge.

¹⁸ ENOC-UNICEF Survey – May 2020: Malta, Montenegro and Serbia raised this issue in their survey.

parents to bring children to hospitals¹⁹. For example, children's hospital visits have dropped by 1/3 in Finland. In Sweden, there has also been a drastic drop of children attending primary healthcare and emergency care, as well as a decrease in the number of reports to the social services, which indicates that many children who would need support do not receive it. In Moldova, the medical care of children with rare diseases has been very difficult considering that access to specific medicines that could only be bought abroad was restricted.

Another issue was for women giving birth and the impossibility for the other parent to attend²⁰. Some maternity units refused to allow women to be accompanied during childbirth to contain the spread of COVID-19. This has caused problems for the emotional security and wellbeing of the mothers and their babies, as well as for early childhood development. This has also been an issue for the assistance of women with disabilities, deaf mothers, etc.

- **Children with disabilities**

Children with disabilities have been particularly affected by the restrictive measures²¹. They have been extremely isolated because schools and special services were closed and they have limited conditions for digital communication. Indeed, children with disabilities faced double isolation because of restricted access to rehabilitation and one to one activities, and the anxiety (because of people wearing masks and shields for example) and inability for some of them to fully understand the situation. In Cyprus, children with disabilities were not allowed to go to school even when schools reopened, as they have to undergo complex and time-consuming procedures and examinations, as well as the mandatory laboratory testing for COVID-19. The Cypriot Commissioner for Children's Rights objected to this decision pointing out to the Minister of Education that this was discriminatory, leaving the affected children in a very bad psychological state since they feel marginalised and unwanted.

- **Children in institutions**

Children living in care institutions have also been particularly vulnerable in terms of their rights being breached during the pandemic. The containment measures and the anxiety-provoking context have exacerbated already tense situations. These

¹⁹ ENOC-UNICEF Survey – May 2020: Finland, Moldova, Serbia, Sweden and Wales mentioned limited access to mental and health services.

²⁰ ENOC-UNICEF Survey – May 2020: Estonia, Finland and France reported difficulties related to childbirth.

²¹ ENOC-UNICEF Survey – May 2020: Bulgaria, Catalonia, Croatia, Cyprus, Denmark, Estonia, Hungary, Montenegro, Serbia, Slovenia, highlighted the challenges posed by the specific needs of children with disabilities during the pandemic.

vulnerable children have indeed been at higher risk of abuse because of decreased controls, extreme isolation, limited social contacts, as well as psychological problems. In many countries visitation rights have been suspended. The National Council of Children in Denmark reported that the main challenges for children and young people living in foster care or institutions have been the lack of social contact and the maintenance of family links. Most of them have not been able to have regular contact with their family/biological parents and friends. In some countries, contacts with biological families have been facilitated through video-calls²².

- **Divorced and Separated families**

The COVID-19 pandemic has created challenges for many divorced or separated parents with children²³ who had to change the way they share the care of their children, taking into account the right of the child to be in contact with both parents. Communication rights between children and divorced parents have often been violated due to lockdown restrictions. In Slovenia for example, the Human Rights Ombudsman has received several queries and complaints regarding contacts between children and parents who do not live together. Several complaints concerned the regulation restricting movements to the municipality of permanent residence, which posed a number of problems for divorced parents who have joint custody of their children and live in a different municipality. The Human Rights Ombudsman made recommendations to the authorities saying that enabling contacts between parents and children living in different municipalities did not go against the purpose of the restriction of movement, as it should not imply closed contacts and gatherings with people in public places. This was upheld by the Ministry of Interior and Ministry of Justice as well as through a public statement of court representatives.

The restrictions of movement have also been an issue for cross-border families. For example in a small jurisdiction like Luxembourg, the Ombuds-Committee for the Rights of the Child reported experiencing difficulties to give children access to the other parent living in a neighbouring country due to travel restrictions and borders closure. There have been exceptions to the restrictions but the conditions were very difficult to meet.

Strict lockdown regulations have also increased the vulnerability of single or isolated parents. For example, the Children's Defender in France reported that some food

²² ENOC-UNICEF Survey – May 2020: It has been the case in France and the Basque country for example.

²³ ENOC-UNICEF Survey – May 2020: Cyprus, Estonia, Hungary, Malta, Serbia, and Slovenia highlighted receiving complaints regarding the communication rights of divorced parents.

shops banned access to parents and families with accompanying children, which created unbearable situations for single or isolated parents.

- **Migrant and refugee children**

The ongoing migration and refugee crisis affecting the European continent and more severely Southern Europe has been aggravated by the COVID-19 crisis. Migrant and refugee children are extremely vulnerable and placed in inappropriate conditions. Migrant and refugee children maintained in detention centres are even at higher risk. ENOC issued on 6 April 2020 an Open Letter on the emergency situation of migrant children trapped in camps at the border between Greece and Turkey and in the Greek Islands²⁴. In this letter, ENOC urged for the immediate evacuation of migrant children – whether accompanied or unaccompanied – from the refugee camps on the Greek Islands and call on European Union Member States to massively relocate those children. The Cypriot Commissioner for the Protection of Children’s Rights has been particularly advocating before the competent authorities regarding the situation of refugee children in Cyprus throughout the COVID-19 outbreak. She sent a letter to the Minister of Interior to express disagreement with a decision taken in March 2020 to transfer all refugee children who arrived recently in Cyprus to a specific refugee camp, as the overpopulation of the camp could cause greater infection rates.

Mitigating measures and innovative approaches

During the ENOC-UNICEF Online Session, Ombudspersons and Commissioners for Children shared good practices and innovative approaches that have been put in place in their country to mitigate the impact of COVID-19 on children.

- **Digital poverty and distance learning measures**

In several countries, children living in precarious conditions or at risk of poverty have been provided with technological devices (tablets, computers, etc) and internet access (4G routers, SIM cards, etc) to enable participation in distance learning. In Estonia for example, there was a citizens’ initiative to provide children from vulnerable families with computers. Thousands of computers were donated all over the country. In Scotland, the government has committed £30 million to address digital exclusion, and the first 25.000 computers (with 4G routers and data packages) were distributed beginning of June 2020. In the Basque country (Spain), some schools have lent their tablets and laptops to their pupils and a number of towns

²⁴ The letter can be found [here](#).

have facilitated connectivity by providing SIM cards to families²⁵. In some countries, like Denmark or France, emergency care and schooling have been organised for children whose parents performed critical functions and had to go to work or were unable to care for their children.

Digital resources have been created in some countries to help parents with home learning. For example, in the Basque country, the Education Department has developed a morning TV educational program for pupils from different grades, which broadcasts the most fundamental curricular content and helps work them through. Dedicated webpages have also been created by Ombudspersons and Commissioners for children's offices with resources to support and help children and families cope with the situation (stuck-at-home kits, child-friendly explanations to deal with worry and stress, etc)²⁶.

- **Economic measures**

The socio-economic situation has been a challenge in every country due to reduction of incomes, cessation of activities, loss of employment, difficulties to balance work and care of children, etc. Special assistance for newly unemployed parents or parents on unpaid leave has been put in place in some countries. For example in the Basque country, the Department of Employment and Social Policy increased its financial support to families benefiting from measures to improve work-life balance. However the effects were limited because this financial support was conditional on leaves being granted by employers.

Another important economic issue was the provision of free school meals, as for some pupils a school meal may be their only nutritious meal for the day. To cope with the exacerbated food insecurity and strain on precarious families, food allowances or financial aid have been provided in many countries to families whose children benefited from free school meals in schools²⁷. In a letter to the local governments, the Chancellor of Justice in Estonia advocated for free school meals for every pupil during distance learning, and not only depending on social needs of families. In practice, some municipalities have provided free meals to all pupils, while some municipalities have provided it depending on the families' income.

- **Psychological and Physical Health measures**

²⁵ ENOC-UNICEF Survey – May 2020: Finland, Republika Srpska, the Basque country and Wales also reported such initiatives and distribution of technological devices in their countries.

²⁶ You can find these dedicated resources on the ENOC website [here](#).

²⁷ ENOC-UNICEF Survey – May 2020: Basque Country, Catalonia, Estonia, Malta, Northern Ireland, Scotland and Wales reported on specific measures to provide meals outside school.

Throughout the crisis and in most countries, there have been public campaigns to reassure both parents and children and suggest ways to cope with the lockdown (prevention and protection measures, social distancing, home learning, etc). In Wales for example, difficulties to access mental and physical health services have rapidly been addressed through public campaigns to reassure and encourage parents to bring children to health services, and through the organisation of online consultations and therapies. Special phone-lines have also been opened or strengthened in many countries to protect children against abuse and violence²⁸.

The Ombudspersons and Commissioners for Children have continued their advocacy work by addressing recommendations to competent authorities: lobbying for lifting restrictions on access of birth-partners to hospitals in Estonia and France, proposals to maintain contact between a divorced parent and children isolated in a different locality via phone and other means (Cyprus, Hungary, Estonia, Malta, Serbia, Slovenia), lobbying for allowing daily walks in open air in juvenile detention centres in Estonia, recommendations to employers on how to deal with employees with children in Croatia, etc²⁹.

Conclusion

In dealing with the COVID-19 outbreak, Ombudspersons and Commissioners for Children across Europe have faced a new challenge: how to continue upholding children's rights in a context of emergency restrictions and lockdown measures. The COVID-19 crisis has had disastrous impacts on children's lives and rights; and will most probably have far-reaching consequences for children. The outcomes of ENOC-UNICEF Survey and Online session show that the most vulnerable children (children in poverty, children in institutions, disabled children, migrant children, etc) have been and will continue to be the most affected by the COVID-19 crisis. The existing vulnerabilities have been exacerbated and inequalities have become more visible, especially regarding online education. The emergency situation has made visible a systemic failure to take into account children's rights and wellbeing when proposing restrictive measures in some countries. It highlighted the lack of coordination and integrated approaches to children's wellbeing. Throughout this unprecedented crisis, the role of Ombudspersons and Commissioners for Children have been more than ever essential and even strengthened, while offices had to adapt their working methods and their activities to these new challenges in order to continue to protect children and young people.

²⁸ ENOC-UNICEF Survey – May 2020: The Basque country, Estonia, Luxembourg, Montenegro, Serbia and Republika Srpska reported the opening or strengthening of hotlines to take complaints and answer questions.

²⁹ ENOC-UNICEF Survey – May 2020